

REMARKS

Claim Status:

Claims 1-32 are pending in the application. Claims 33-41 are canceled without prejudice and without conceding the merits of their previous rejections. We expressly reserve the right to file one or more continuation applications targeting the subject matter of the canceled claims. (Indeed, these claims are canceled merely to reduce issues in this Amendment and possible appeal.)

Claims 1-4, 14, 24, 31 and 32 are amended in an editorial manner and not in response to the art or any formal requirement. The word “and” has been changed to --or-- in these claims.

Claim 21 is amended without prejudice to clarify the intended meaning of the phrase “untrusted date”.

Claim 22 is amended in an editorial manner and not in response to the art or any formal requirement by removing the term “step.”

The scope of claim 29 is broadened by removing the preamble. In this regard, we disagree with the previous objection to this claim. However, it is now believed moot in view of the present, broadening amendment.

Art-based rejections:

Claims 1-32 stand rejected as being unpatentable over Chow in view of Chen. We respectfully traverse these rejections.

Claim 1

Claim 1 recites an identification document including a photographic representation of a bearer of the identification document and indicia provided on the document. The identification document further includes a security feature printed on a surface of the identification document in a two-dimensional symbology. The security feature includes: i) a first set of information, and ii) a cryptographic measure associated with the first set of information. The first set of information corresponds to at least one of the identification document, the bearer of the identification document or an issuer of

the identification document. *The first set of information comprises an unencrypted form.* The cryptographic measure identifies at least a *record of fabrication* for the identification document.

The Office Action relies on item 3 in Chow's FIG. 2 (reproduced below) as teaching the "security feature" of claim 1. *Please see* the Office Action at page 2, lines 6-8 of numbered paragraph 1.

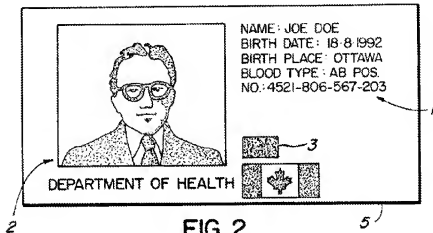


FIG. 2

The Office Action then suggests that the security feature (item 3) includes a first set of information such as bearer's text (item 1) and the Canadian flag in FIG. 2. *Please see* the Office Action, pages 2-3, lines 8-12 of numbered paragraph 1. But item 1 and the Canadian flag of FIG. 2 are not shown as being included in item 3 (security feature) in an unencrypted form.

Please contrast the Office Action's analysis to the language of claim 1: "the security feature including: a first set of information corresponding to at least one of the identification document, the bearer of the identification document or an issuer of the identification document, wherein the first set of information comprises an unencrypted form."

Claim 1 should be allowed for this reason alone.

The Office Action correctly recognizes that Chow does not disclose a cryptographic measure identifying a record of fabrication.

The specification describes “a record of fabrication” – interchangeably used with “fabrication details” – to include, e.g., equipment used in document fabrication, a fabrication operator, a workstation, a distribution channel, inventory details, and/or a fabrication completion date. These details preferably provide more than just, e.g., an issuing office, by identifying particular equipment, operators, workstation, etc. *Please see* the specification at paragraph [0048].

In the context of claim 1, the ordinary meaning of “fabricate” (i.e., the root of fabrication) includes, e.g.: “to make, build or construct by assembling parts or manufacturing.” Please see, e.g., <http://www.google.com/search?hl=en&rls=GGLG%2CGGLG%3A2006-21%2CGGLG%3Aen&q=define%3A+fabricate&btnG=Search>.

The Office Action relies on Chen for teaching a “record of fabrication”. But instead pointing to fabrication details, the Office Action relies on an issuer identification number. While such a number may be helpful in identifying an issuer, it does not seem helpful in providing fabrication details such as equipment, operator, inventory, and/or other fabrication details.

Thus, even if Chow and Chen are combined as suggested in the Office Action, the resulting combination would lack all of the recited features including, e.g., a security feature including a cryptographic measure identifying at least a *record of fabrication* for the identification document.

We respectfully submit that claim 1 should be allowed.

Claim 2

Claim 2 recites that the record of fabrication identifies at least one of equipment used in fabricating the identification document, an identification document assembler, a distribution channel or an operator of document fabrication equipment.

An issuer identification number is a long way from such fabrication details. We thus disagree that it is inherent that the issuer identification number discloses the operator of document equipment, as stated in the Office Action. Besides, there is no discussion in the cited Chen passages or in the Office Action of a nexus between such an issuer identification number and a record of fabrication details.

Claim 2 should be allowed as well.

Claim 8

Claim 8 recites that the cryptographic measure comprises an encrypted form corresponding to at least a first private key and second private key. The first private key is uniquely associated with a fabrication equipment operator, and the second private key is uniquely associated with equipment used in fabricating the identification document.

The Office Action on page 4, lines 7-12, suggests that multiple keys would have been obvious to allow for “cascaded encryption that would further encrypt the information.”

We respectfully suggest that this reasoning misses an objective of claim 8 – which is to provide a record of fabrication including operator and equipment details – and not just further encrypting information.

Thus, based at least on the reasoning provided in the Office Action, we respectfully submit that claim 8 would not have been obvious to one of ordinary skill in the art.

Claim 13

Claim 13 recites a second set of information (included in the cryptographic measure) including a document inventory number. The inventory number is conveyed by a machine-readable code carried by the identification document.

Paragraph [0061] in the present specification provides a few examples of an inventory number. For example, the inventory number provides a serialization mechanism for an identification document and/or for components of the document; e.g., a document substrate may include a 1-D barcode or digital watermark including a serial number encoded therein. The serial number uniquely identifies the substrate, and a subsequent document manufactured to include the substrate. The inventory number can be included as a hash input when creating a digital signature. (Of course, other examples will likely fall within in the scope of claim 13.)

The Office Action makes a big leap on pages 4-5, under claim 13, by suggesting that a unique identification number would be used as an inventory number. The

identification number on an ID document historically has identified the bearer and/or the document itself. The analysis in the Office Action seems to ignore the historical use of the identification number, the ID fabrication process, and varied components of ID document fabrication inventory.

Moreover, the reasoning in the Office Action for this rejection has left us a bit curious. The Office Action states “It would have been obvious to one of ordinary skill in the art to move the identification number from section 1 [bearer details] to section 2 [photograph] using either an overlay or a displaying the ID number at a side of the picture.” We are not sure why this is significant in view of claim 13, and respectfully object to the rejection if this is the reasoning behind the rejection.

Claim 13 also recites that the inventory number is conveyed via a machine-readable code. The section 1 identification number does not appear to be in a machine-readable format.

We respectfully submit that claim 13 should be allowed.

Claim 15

Claim 15 recites, in combination with other features, an act of determining fabrication details of the identification document from at least the cryptographic signature.

The Office Action states on page 5 that the Examiner “interprets this to mean if the ID is authentic via the ID’s signature.”

We respectfully submit that this is an unlikely interpretation of claim 15 given the specification’s detail regarding “fabrication details” and the ordinary use of the word “fabrication”.

We submit that one of ordinary skill in the art would interpret fabrication details to include, e.g., material or document construction, equipment used in fabrication, operator details, construction process, making, and/or other such fabrication processing or details.

We ask for reconsideration given our remarks, the ordinary meaning of the claim’s terms, and the level of ordinary skill in the art.

Claim 15 stands ready for allowance.

Claim 16

Claim 16 recites that the machine-readable format (of claim 15) comprises digital watermarking.

The Office Action states on page 6, lines 1-2: “Chow et al. discloses digital watermarking in the form of a two-dimensional symbology (figure 2, item 3).”

We respectfully disagree. In the context of claim 16, the term “digital watermarking” implies steganography or data hiding, and not just a two-dimensional symbology. See, e.g., the watermarking documents incorporated by reference at paragraph [0048].

Our “steganographic or data hiding” position is buttressed by the cannon of claim differentiation in view of claim 17. Claim 17 recites: “The method of claim 15, wherein the machine-readable format comprises a two-dimensional symbology.”

Claims 16 and 17 claim different aspects, and if a “two-dimensional symbology” is expressly recited in claim 17, then claim 16 should be interpreted as meaning something different.

We respectfully submit that claim 16 stands ready for allowance over the applied art.

Claim 21

Amended claim 21 recites that the cryptographic signature comprises a date indicator. The act of determining includes determining whether the date indicator corresponds with an untrusted –but not expired– date, and at least a portion of the certificate is used to determine the untrusted date.

Thus, the untrusted date is not an expired date, but is an untrusted date.

Claim 21 stands ready for allowance as well.

Claim 27

Claim 27 recites, in combination with other features, a method of identifying unauthorized issuance of an identification document. The identification document includes first data and a digital signature corresponding to at least the first data. The

digital signature further includes a date indicator associated with the fabrication of the identification document. The method also recites an act, in combination with other acts, of determining whether the date indicator corresponds with a date associated with the certificate's revocation.

Claim 27 is rejected as being similar to claims 15-25 “and are therefor [sic] rejected under the same reasoning.”

We respectfully disagree with this type of rejection. Claim 27 recites a unique combination, with unique features. But it is rejected as if it recited the exact same limitations as claims 15-25.

Such a rejection is contrary to the guidance provided by the MPEP (see, e.g., MPEP 706.02(j)). For example:

“[T]he examiner should set forth in the Office action: (A) the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s) where appropriate....” See MPEP 706.02(j).

This is because *“[i]t is important for an examiner to properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given fair opportunity to reply.”* See MPEP 706.02(j).

Applicant has been denied a fair opportunity to reply because Chow and Chen have not been applied against the unique combination recited in claim 27. Applicant is left to guess as to the applicability of Chow and Chen; and “guessing” denies Applicant a fair opportunity to reply on the record.

Clarification is requested if this rejection is maintained.

Claim 29

Claim 29 recites a method including: randomly or pseudo-randomly selecting a unique serial number; associating the unique serial number and fabrication details in a data record; providing the unique serial number on the identification document; and issuing the identification document.

We respectfully disagree that it is “inherent” to assign a serial number with fabrication details as stated in the Office Action. Indeed, a serial number on an

Identification Document has historically been associated with bearer details such as name and address.

The Office Action also fails to establish a *prima facie* case of obviousness since it has not addressed all the features of the claim. That is, it has failed to show how the applied art discusses or teaches “randomly or pseudo-randomly selecting a unique serial number,” in the context of claim 29. Please see the Office Action on page 7, under the heading “Regarding claims 29 and 32;”.

Claim 29 stands ready for allowance.

Remaining Claims

We respectfully submit that the remaining claims also recite patentable combinations. Favorable reconsideration is requested.

Conclusion:

A Notice of Allowance is respectfully requested. Nevertheless, the Examiner is respectfully requested to contact the undersigned with any questions.

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Respectfully submitted,

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